

GEORGE W. NOWELL (SBN: 83868)  
 george.nowell@nowelllaw.com  
 JOHN H. CIGAVIC III (SBN: 231806)  
 john.cigavic@nowelllaw.com  
 LAW OFFICES OF GEORGE W. NOWELL  
 120 Montgomery Street, Suite 1990  
 San Francisco, CA 94104  
 Telephone: (415) 362-1333  
 Facsimile: (415) 362-1344  
 Attorneys for defendant  
 CAPTAIN JOHN J. COTA

UNITES STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

M/V COSCO BUSAN, LR/IMO Ship No.  
 9231746, her engines, apparel, electronics,  
 tackle, boats, appurtenances, etc., in rem, THE  
 SHIPOWNERS' INSURANCE & GUARANTY  
 COMPANY LTD., REGAL STONE LIMITED,  
 FLEET MANAGEMENT LTD., and JOHN  
 COTA, in personam,

Defendants.

CASE NO.: CV 07 6045 SC

IN ADMIRALTY

**DECLARATION OF GEORGE W.  
 NOWELL IN SUPPORT OF CAPTAIN  
 JOHN COTA'S REQUEST FOR  
 ORDER EXTENDING CAPTAIN  
 JOHN COTA'S TIME TO RESPOND  
 TO THE COMPLAINT (FIRST  
 EXTENSION)**

1. I am an attorney at law, duly authorized to practice before all courts in the State of California including this Court. I am one of the attorneys for defendant CAPTAIN JOHN COTA in this action.

2. I make the following statements from my personal knowledge except for those matters stated on information and belief and as to those matters I believe them to be true. If called as a witness I could and would competently testify to the matters stated herein.

//

1

**DECLARATION OF GEORGE W. NOWELL IN SUPPORT OF CAPTAIN JOHN COTA'S REQUEST.  
 FOR ORDER EXTENDING CAPTAIN JOHN COTA'S TIME TO RESPOND TO THE COMPLAINT  
 (FIRST EXTENSION)  
 (CV 07 6045 SC)**

LAW OFFICES OF GEORGE W. NOWELL  
 120 Montgomery Street, Suite 1990  
 San Francisco, CA 94104  
 Phone: (415) 362-1333 Fax: (415) 362-1344

3. The complaint in this lawsuit alleges that on November 7, 2007, M/V COSCO BUSAN allided with the fendering of part of the San Francisco-Oakland Bay Bridge and that Captain John Cota was the San Francisco Bar Pilot aboard M/V COSCO BUSAN at the time of the allision. Captain Cota has been named as a defendant in this lawsuit involving this allision. This lawsuit was filed on November 30, 2007. The first Case Management Conference is set for February 22, 2008 and the Case Management Statement is currently due on February 15, 2008.

4. Captain Cota requests a 60-day extension to respond to the United States of America's complaint concerning the allision because he and his current counsel may affiliate or substitute in new counsel and he desires additional time to clarify his defenses and legal status before responding to the complaint. Captain Cota has been named in four lawsuits arising from the incident underlying this complaint.

5. No prior time modifications have occurred in this case to the declarant's knowledge.

6. I have spoken to the lawyer for the claimant to the vessel and he does not object to the requested extension.

//

//

//

//

//

//

//

//

//

//

//

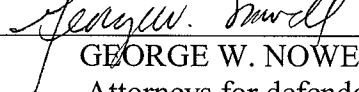
//

1           7.       The requested extension for Captain Cota to respond to the complaint would  
2 likely have no effect on the schedule of this case because: (a) Captain Cota through counsel has  
3 participated in a meet and confer among counsel on January 31, 2008 regarding drafting the Case  
4 Management Statement and attending the Case Management Conference; (b) Captain Cota  
5 through counsel will participate in the preparation of a Case Management Statement and attend  
6 the Case Management Conference; and (c) it is expected by the declarant that motions will be  
7 filed by one or more defendants on or about the date of the filing of the Case Management  
8 Statement that will go to the heart of the future of the case as to one or all of the defendants.

9  
10           I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Subscribed by my hand at San Francisco, California.

12  
13 Dated:   February 7, 2008

14 LAW OFFICES OF GEORGE W. NOWELL

15  
16 By:   
17       GEORGE W. NOWELL  
18       Attorneys for defendant  
19       CAPTAIN JOHN J. COTA